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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,559

10/11/2005

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PU030114

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24498

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01/05/2009

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EXAMINER

INGVOLDSTAD, BENNETT

ART UNIT

PAPER NUMBER

2427

MAIL DATE

DELIVERY MODE

01/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,559	<b>Applicant(s)</b> SAHASRABUDHE ET AL.	
	<b>Examiner</b> Bennett Ingvoidstad	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 1 October 2008 have been fully considered, but they are moot in view of the new rejections.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okamura (US 5483685) in view of Applicant's admitted prior art.

Independent claim 1: Okamura discloses a method for selecting a broadcast program, comprising:

receiving a first user input representing a first digit associated with said broadcast program (first digit 1A [Fig 1] for selecting a channel [Abstract]);

storing first data representing said first digit within ... a predetermined time interval ... (within a selection lag time T [col. 5, l. 13-19]); and

processing said first data for selecting said broadcast program (selecting the program based on the inputted digit [Abstract]).

Okamura does not further teach using different non-zero time intervals between a first region and a second region. However, Okamura does not specify the length of the time interval, referring to the interval as “selection lag-time T.” By not specifying the length of the predetermined time interval, Okamura leaves the determination of the length of the time interval up to the design choice of the implementers of the method.

AAPA indicates that it was known to have different versions of client software used in different regions. Different software versions were known to have different interaction methods for selecting channels. Specification, pg. 1, l. 31 – pg. 2, l. 8.

It is obvious to combine prior art elements according to known techniques to yield predictable results. Therefore, it would have been obvious for the method of Okamura to have been implemented in multiple regions using different software versions depending on the region as taught by AAPA. Since different software versions were known to be programmed with different user interaction methods for changing the channel, the combination would have yielded the predictable result of the design choice of the time length T varying between the software versions according to the design choice of the programmers of each version.

Therefore, it would have been obvious for the method of Okamura to have been implemented across two software versions corresponding to regions as

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taught by AAPA, the two versions/regions using different predetermined time intervals according to the design choice of the respective programmers. Thus the invention as a whole would have been obvious to one of ordinary skill.

Independent claims 9 and 17 correspond to claim 1 and are met as such. The memory of the apparatus/receiver stores different versions of the software, and hence different predetermined time intervals, depending on the region as indicated above.

Claims 2, 10, and 18, dependent on claims 1, 9, and 17 respectively:

Okamura further discloses wherein:

said first predetermined time interval is shorter than said second predetermined time interval (according to design choice); and

said first data is processed after one of said first and second predetermined time intervals expires (after the time interval has elapsed, the digit is stored and the channel is changed or further input is received [col. 5, l. 13-19] [col. 6, l. 39-47]).

Claims 3, 11, and 19, dependent on claims 1, 9, and 17 respectively:

Okamura further discloses:

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receiving a second user input representing a second digit associated with said broadcast program within one of said first and second predetermined time intervals (a second digit within the lag interval [col. 5, l. 23-29]); and

processing said second data for selecting said broadcast program [col. 5, l. 23-29].

Claims 4, 12, and 20, dependent on claims 1, 9, and 17 respectively:

Okamura further discloses:

receiving a second user input representing a second digit associated with said broadcast program within a third predetermined time interval after one of said first and second predetermined time intervals expires (within an overall interval consisting of the first digit lag interval and the second digit lag interval, the second digit selected during the second digit lag interval after the first lag interval expires [col. 5, l. 6-38]); and

processing said second data for selecting said broadcast program [col. 5, l. 23-29].

Claims 5, 13, and 21, dependent on claims 1, 9, and 17 respectively:

Okamura in view of AAPA further teaches wherein said first region includes Europe and Asia (AAPA Spec, pg. 1).

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Claims 6, 14, and 22, dependent on claims 1, 9, and 17 respectively:

Okamura in view of AAPA further teaches wherein said second region includes North America and South America (AAPA Spec, pg. 1).

Claims 7, 15, and 23, dependent on claims 1, 9, and 17 respectively:

Okamura in view of AAPA further discloses wherein:

said first region receives first broadcast programs from a first service provider (a European or Asian service provider); and

said second region receives second broadcast programs from a second service provider (a North or South American service provider).

Claims 8, 16, and 24, dependent on claims 1, 9, and 17 respectively:

Okamura further discloses:

enabling [...] selection of one of said first region and said second region (selection of the frequency sweep, which determines the region [col. 3, l. 62 – col. 4, l. 28]); and

storing data corresponding to one of said first region and said second region responsive to said user selection (storing a number indicating the number of channels in the region [col. 4, l. 6-16])

Okamura does not specifically disclose that the frequency sweep is selected by the user.

AAPA indicates that it was well known to perform a frequency sweep for determining the received channels upon selection of a user.

Therefore it would have been obvious to have modified the frequency sweep to have been selectable by the user for the purpose of providing control over the operation of the system to the user.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bennett Ingvaldstad whose telephone number is (571)270-3431. The examiner can normally be reached on M-F 9-5 EST.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/  
Primary Examiner, Art Unit 2421

01/02/2009

/Bennett Ingvaldstad/  
Examiner, Art Unit 2427